

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
W/S Washington Boulevard, 321'N \*  
of the c/l of Commerce Drive \* DEPUTY ZONING COMMISSIONER  
(3612 Washington Boulevard) \*  
13th Election District \* OF BALTIMORE COUNTY  
1st Councilmanic District \*  
\* Case No. 95-48-SPH  
Wareheim Air Brakes & Controls, Inc.  
Petitioners \*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 3612 Washington Boulevard, located in the Halethorpe area of southwestern Baltimore County. The Petition was filed by the owners of the property, Wareheim Air Brakes and Controls, Inc., by George S. Wareheim, Jr., President, through their attorney, Francis X. Borgerding, Jr., Esquire. The Petitioners seek a special hearing to approve the use of the subject property, zoned M.L.R. I.M., as a legal, nonconforming service garage. The subject property and relief sought are more particularly described on the plat submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were George S. Wareheim, Jr., legal owner, Frank F. Haselton, Bill Martien, and Paul Lee, Professional Engineer. There were no Protestants present.

Testimony and evidence presented revealed that the subject property consists of 1.886 acres, more or less, split zoned M.L.R.-I.M., B.R.-I.M. and M.L.-I.M. The property is improved by a 7-bay service garage with accessory office and storage areas for the business known as Wareheim Air Brakes and Controls, Inc. Mr. Wareheim testified that he purchased the property in 1966 and has operated the subject business on the site since that time. He testified that in 1976 a portion of the property was rezoned

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

M.L.R.-I.M., which does not permit a service garage use. Therefore, the Petitioner filed the instant Petition to legitimize the use of the subject property as a service garage and to approve such use as nonconforming.

Section 101 of the B.C.Z.R. defines a nonconforming use as a legal use that does not conform to a use regulation for the zone in which it is located or to a specific regulation applicable to such a use. In essence, a legal nonconforming use designation can operate to "grandfather" an otherwise prohibited use in a specific location. However, the Petitioner must adduce testimony and evidence that any such use existed prior to the effective date of the prohibiting legislation. Moreover, it must be shown that the use has not changed, been abandoned or discontinued for a period of one year or more since the use began. Furthermore, regulations are provided regarding the alteration and/or enlargement of such use.

Therefore, in order for the special hearing relief to be granted, the Petitioner must demonstrate that the use of the subject property as a service garage existed prior to the effective date of any change in its zoning classification and that such use has been continuous and without interruption.

After due consideration of the testimony and evidence presented, the testimony and evidence was clear that the subject property has been used continuously and without interruption as a service garage since prior to 1976, and as such, enjoys a legal nonconforming use.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13<sup>th</sup> day of October, 1994 that the Petition for


ORDER RECEIVED FOR FILING

Date

By

Special Hearing to approve the use of the subject property, zoned M.L.R. I.M., as a legal, nonconforming service garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

11/13/14

By





# Petition for Special Hearing

95-48-SPA  
to the Zoning Commissioner of Baltimore County

for the property located at

3612 Washington Boulevard  
Halethorpe, MD 21227

which is presently zoned MLR-IM

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a nonconforming status for a service garage in a "MLR-IM" zone

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Francis X. Borgerding, Jr.

(Type or Print Name)

Signature

409 Washington Ave. 296-6820

Address

Phone No.

Towson

MD

21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Wareheim Air Brakes and Controls, Inc.

(Type or Print Name)

By: 

Signature

George S. Wareheim, Jr., President

(Type or Print Name)

Signature

3612 Washington Boulevard

Address

Phone No.

Halethorpe

MD

21227

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Francis X. Borgerding, Jr.

Name

409 Washington Avenue, Suite 600

Towson, MD 21204

296-6820

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: R.T.

DATE 8-9-94

ITEM # 48

ORDER RECEIVED FOR FILING

Date 10/13/94

By 

MICROFILMED



Paul Lee, P.E.

15-48-SPH

Paul Lee Engineering Inc.  
304 W. Pennsylvania Ave.  
Towson, Maryland 21204  
410-821-5944

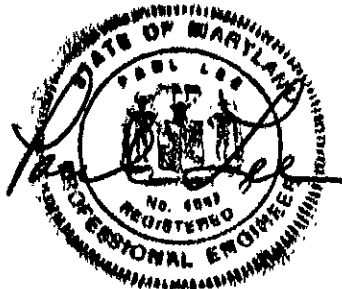
DESCRIPTION

#3612 WASHINGTON BOULEVARD

ELECTION DISTRICT 13c1 BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the west side of Washington Boulevard, said point also being located Northeasterly-321 feet <sup>±</sup> from the center of Commerce Drive; thence binding on the west side of Washington Boulevard ( Alt. U.S. Route 1 ) (1) N 34°17' E 207.90 feet, thence leaving said west side of Washington Boulevard (2) N 55°43' W - 145.18 feet, (3) N 34°17' E - 100.00 feet, (4) N 55°43' W - 93.08 feet, (5) N 78°31'20" W - 90.05 feet, (6) S 34°17' W - 273.38 feet and (7) S 55°43' E - 318.60 feet to the west side of Washington Boulevard and point of beginning.

Containing 1.886 Acres of land more or less.



ITEM # 48

J.O. 94-025  
7/22/94

Engineers — Surveyors — Site Planners

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

95-48-A

District 13th

Date of Posting \_\_\_\_\_

Posted for: Special Hearing

Petitioner: Warsheim Air Brakes & Control, Inc.

Location of property: 3612 Washington Blvd, W/S

Location of Signs: Facing road way on property being zoned

Remarks: \_\_\_\_\_

Posted by M. M. M. M.  
Signature

Date of return: 8/26/99

Number of Signs: 1



Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

receipt  
95-48-SPH

Account: R-001-6150

Number 48

R.T.

Date 8-9-94

WAREHEIM AIR BRAKES & CONTROL, INC.  
3612 WASHINGTON BLVD.  
HALETHORPE, MD 21227

040 - SPH ----- \$ 250<sup>00</sup>

080 - SIGN (1) one - \$ 35<sup>00</sup>

TOTAL - \$ 285<sup>00</sup>

MICROFILMED

03A03#0059ACCRCC  
BA C009#19AM08-09-94

\$285.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

# CERTIFICATE OF PUBLICATION

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:  
85-48-SFH (Item 48)  
3812 Washington Blvd.  
W/S Washington Blvd.  
881 + + N of

off Commerce Drive  
18th Election District  
1st Councilmanic  
Petitioner(s):

Wareheim Air Brakes  
and Controls, Inc.

HEARING: FRIDAY,  
SEPTEMBER 16, 1994 at  
2:00 p.m. in Rm. 106,  
County Office Building.

Special Hearing: to approve  
a nonconforming status for a  
service garage in a M.L.R.-I.M.  
zone.

LAWRENCE E. SCHMIDT,  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Hand-  
icapped accessible; for special  
accommodations Please Call  
887-3353.

(2) For Informa-  
tion concerning the File and/or  
Hearing, Please Call 887-3391.

8/27/94 August 25

TOWSON, MD.,

8/26, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/25, 1994.

THE JEFFERSONIAN,

*A. Henickson*

LEGAL AD. - TOWSON

~~Printed~~

ALB50-5623-15-1-1



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
  - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

A handwritten signature in cursive script, reading "Arnold Jablon".

ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 48

Petitioner: \_\_\_\_\_

Location: \_\_\_\_\_

PLEASE FORWARD ADVERTISING BILL TO:

NAME: FRANCIS X. BORGERDING, JR.

ADDRESS: 409 WASHINGTON AVE.

TOWSON MD 21204

PHONE NUMBER: 296-6820

AJ:ggs

(Revised 04/09/93)

MICROFILMED

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

*file*

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

AUGUST 19, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-48-SPH (Item 48)  
3612 Washington Boulevard  
W/S Washington Boulevard, 321' +/- N of c/l Commerce Drive  
13th Election District - 1st Councilmanic  
Petitioner(s): Wareheim Air Brakes and Controls, Inc.  
HEARING: FRIDAY, SEPTEMBER 16, 1994 at 2:00 p.m. in Room 106, County Office Building.

Special Hearing to approve a nonconforming status for a service garage in a M.L.R.-I.M. zone.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: Wareheim Air Brakes and Controls, Inc.  
Francis X. Borgerding, Jr., Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

SEP. 06 1994

Francis X. Borgerding, Jr., Esq.  
409 Washington Avenue  
Towson, Maryland 21204

RE: Item No. 48, Case No. 95-48-SPH  
Petitioner: Wareheim Air Brakes and Controls, Inc.

Dear Mr. Borgerding:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 9, 1994, and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.  
Zoning Coordinator

WCR:ggs



Printed with Soybean Ink  
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Gwen Stephens, ZADM

FROM: Jeffrey Long  
Office of Planning & Zoning

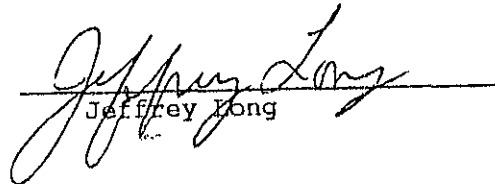
DATE: August 26, 1994

SUBJECT: Zoning Advisory Comments

Please be advised that additional time is required to review the following  
Petitions:

ITEM NOS. 41, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60,  
and 61.

Please contact me if you have any questions or require additional information.

  
Jeffrey Long

JL:bjs

RECEIVED

AUG 29 1994

ZADM

STEPHENS.JL/PZONE/ZAC1

MICROFILMED

Turn 9/16  
95-48

[illegible]

DATE: August 29, 1994

RECEIVED  
JUN 29 1994

SUBJECT: Petitions from Zoning Advisory Committee

Item Nos.: 48, 49, 53, 54, 57, 58, 61, 62, 63, 64, 67, and 70.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Jeffrey W. Long

Gary L. Kerns

PK:JL:bjs

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/18/94

9548

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP--1105

RE: Property Owner:

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The Fire Marshal's Office has no comments at this time.  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS 48, 49, 50, 53, 54,  
55, 56, 57, 58, 60 AND 61.

RECEIVED

AUG 19 1994

ADM

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

(3387-10-18-94)



RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
3612 Washington Boulevard, W/S \*  
Washington Boulevard, 321'+/- N of \* ZONING COMMISSIONER  
c/l Commerce Drive, 13th Election \* OF BALTIMORE COUNTY  
Dist., 1st Councilmanic \*  
Wareheim Air Brakes & Controls Inc. \* CASE NO. 95-48-SPH  
Petitioners \*  
\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

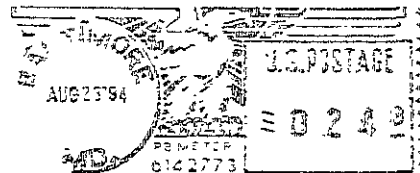
I HEREBY CERTIFY that on this 31st day of August, 1994, a copy of the foregoing Entry of Appearance was mailed to Francis X. Borgerding, Esquire, 409 Washington Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN





Baltimore County Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204



RECEIVED

25 1994

ZADM

Wareheim Air Brakes and Controls, Inc.  
3612 Washington Boulevard  
Halethorpe, MD 21227

21227-1845 03

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

AUGUST 19, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-48-SPH (Item 48)

3612 Washington Boulevard

W/S Washington Boulevard, 321<sup>1</sup>/<sub>2</sub> N of c/l Commerce Drive

13th Election District - 1st Councilmanic

Petitioner(s): Wareheim Air Brakes and Controls, Inc.

HEARING: FRIDAY, SEPTEMBER 16, 1994 at 2:00 p.m. in Room 106, County Office Building.

Special Hearing to approve a nonconforming status for a service garage in a M.L.R.-I.M. zone.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

cc: Wareheim Air Brakes and Controls, Inc.  
Francis X. Borgerding, Jr., Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



**PETITIONER(S) SIGN-IN SHEET**

## ADDRESS

ADDRESS  
15 Glen Alpine Rd Phoenix  
113 Holly Ln Baltimore Md 21131  
210 BRANDON RD BALT MD 21212



**Printed with Soybean Ink  
on Recycled Paper**

*[Faint handwritten notes at the bottom of the page]*

95-48-SPT

SW 5C

ITEM #48

B. GREEN  
WESTINGHOUSE  
PLANT

SCALE: 1" = 200'

ML-IM

ML-IM  
SUBMIT  
SITE

BR-IM

COMMERCE  
DR.

ML-IM  
92-480-K

BR

WASHINGTON

VICTORY

BR

WEST  
LANDSDOWN

COUNTY

ML-IM

BM

BELTWAY

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

October 13, 1994

Francis X. Borgerding, Jr., Esquire  
409 Washington Avenue  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING  
W/S Washington Boulevard, 321'N of the c/l of Commerce Drive  
(3612 Washington Boulevard)  
13th Election District - 1st Councilmanic District  
Wareheim Air Brakes & Controls, Inc. - Petitioners  
Case No. 95-48-SPH

Dear Mr. Borgerding:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel

File

A faint, circular stamp or seal is visible at the bottom of the page, partially obscured by the text.





\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 95-48-SPH

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for that property known as 3612 Washington Boulevard, located in the Halethorpe area of southwestern Baltimore County. The Petition was filed by the owners of the property, Wareheim Air Brakes and Controls, Inc., by George S. Wareheim, Jr., President, through their attorney, Francis X. Borgerding, Jr., Esquire. The Petitioners seek a special hearing to approve the use of the subject property, zoned M.L.R. I.M., as a legal, nonconforming service garage. The subject property and relief sought are more particularly described on the plat submitted into evidence as Petitioner's Exhibit 1.

Testimony and evidence presented revealed that the subject property consists of 1,886 acres, more or less, split zoned M.L.R-1.M., B.R.-I.M. and M.L.-I.M. The property is improved by a 7-bay service garage with accessory office and storage areas for the business known as Wareheim Airbrakes and Controls, Inc. Mr. Wareheim testified that he purchased the property in 1966 and has operated the subject business on the site since that time. He testified that in 1976 a portion of the property was rezoned

Section 101 of the B.C.Z.R. defines a nonconforming use as a legal use that does not conform to a use regulation for the zone in which it is located or to a specific regulation applicable to such a use. In essence, a legal nonconforming use designation can operate to "grandfather" an otherwise prohibited use in a specific location. However, the Petitioner must adduce testimony and evidence that any such use existed prior to the effective date of the prohibiting legislation. Moreover, it must be shown that the use has not changed, been abandoned or discontinued for a period of one year or more since the use began. Furthermore, regulations are provided regarding the alteration and/or enlargement of such use.

After due consideration of the testimony and evidence presented, the testimony and evidence was clear that the subject property has been used continuously and without interruption as a service garage since prior to 1976, and as such, enjoys a legal nonconforming use.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13<sup>th</sup> day of October, 1994 that the Petition for

DATE 10/13/94  
BY gac

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 11/3/94  
By BO

District 13th Date of Posting \_\_\_\_\_

Posted for: Special Hearing

Petitioner: Wesburn H. Strobes & Contr. Don

Location of property: 3612 Washington Blvd, WLS

Location of Signs: Facing road way, on property being zoned

Remarks: \_\_\_\_\_

Posted by: M. H. H. H. Date of return: 6/12/94

Number of Signs: 1

A. Henrichson  
LEGAL AD. - TOWSON

**NOTICE TO THE PUBLIC**  
The Zoning Commission of Baltimore is hereby notified that the City and County of Baltimore will hold a public hearing on the proposed rezoning of the following property located at 111 W. Chesapeake Avenue in Room 118, Old Courthouse, 400 Washington Avenue, Baltimore, Maryland 21201 as follows:

Case No.  
GS-48  
GS-49  
GS-50  
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**LAWRENCE E. SCHMIDT**  
Zoning Commissioner  
Baltimore County  
NOTES: (1) Hearings are held  
open to the public; for special  
accommodations, please call  
887-3353.  
(2) For information  
concerning the file and  
hearing, please call 887-3353.  
August 25, 1994

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve a nonconforming status for a service garage in a "MR-1M" zone

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and shall be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the  
 legal owner(s) of the property which is the subject of this Petition.  
 Legal Owner(s):  
Wareheim Air Brakes and Controls, Inc.  
 (Type or Print Name)  
 By: [Signature]  
 Signature

3612 Washington Boulevard

Address Phone No.

Halethorpe MD 21227

City State Zipcode

Name, Address and phone number of representative to be contacted.

Francis X. Borgerding, Jr.

409 Washington Avenue, Suite 600

Bowen, MD 21204 296-5820

Name Address Phone No.

ESTIMATED LENGTH OF HEARING \_\_\_\_\_  
unavailable for Hearing \_\_\_\_\_  
the following dates \_\_\_\_\_ Next Two Months \_\_\_\_\_  
ALL \_\_\_\_\_ OTHER \_\_\_\_\_  
REVIEWED BY: P.T. DATE: 8-9-91

ORDER RECEIVED FOR FILING  
Date 10/30/04  
By [Signature]

*Paul Lee Engineering Inc.*  
305 W. Pennsylvania Ave.  
Towson, Maryland 21204  
410-821-5941

## ELECTION DISTRICT 13c1 BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the west side of Washington Boulevard, said point also being located Northeastly-321 feet  $\pm$  from the center of Commerce Drive; thence binding on the west side of Washington Boulevard (Alt. U.S. Route 1) (1) N  $34^{\circ}17'$  E 207.90 feet, thence leaving said west side of Washington Boulevard (2) N  $55^{\circ}43'$  W - 145.18 feet, (3) N  $34^{\circ}17'$  E - 100.00 feet, (4) N  $55^{\circ}43'$  W - 93.08 feet, (5) N  $78^{\circ}31'12''$  W - 90.05 feet, (6) S  $34^{\circ}17'$  W - 273.38 feet and (7) S  $55^{\circ}43'$  E - 318.60 feet to the west side of Washington Boulevard and point of beginning.

Containing 1.886 Acres of land more or less.

Containing 1.886 Acres of land more or less.

J.O. 94-025  
7/22/94

*Engineers — Surveyors — Site Planners*



October 13, 1994

(410) 887-4386

RE: PETITION FOR SPECIAL HEARING  
W/S Washington Boulevard, 321'N of the c/l of Commerce Drive  
(3612 Washington Boulevard)  
13th Election District - 1st Councilmanic District  
Wareheim Air Brakes & Controls, Inc. - Petitioners  
Case No. 95-48-SPH

Dear Mr. Borgerding:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.


Very truly yours,

*Timothy Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel

File

 **Baltimore County  
Zoning Administration &  
Development Management**  
141 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150

Number 48  
DT

Date 8-9-92

WAIREHEIM AIR BRAKES & CONTROL, INC.  
3612 WASHINGTON BLVD.  
HALETHORPE, MD 21227

040 - SPH ----- \$ 250<sup>00</sup>  
080 - SIGN (1) one - \$ 35<sup>00</sup>  
TOTAL - \$ 285<sup>00</sup>

03A03W0059ACCRCC \$285.00  
BA C009:19AM08-09-94  
timore County

84 C009:19AM08-09  
Please Make Checks Payable To: Baltimore County

## Validation



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
  - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

*Carl Jablon*  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 48  
Petitioner: \_\_\_\_\_  
Location: \_\_\_\_\_  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: Francis X. Borgerding, Jr.  
ADDRESS: 409 Washington Ave.  
Towson, MD 21204  
PHONE NUMBER: 276-6520

AL:ggg

(Revised 04/09/93)

TO: PUPPENT PUBLISHING COMPANY  
August 25, 1994 Issue - Jeffersonian

Please forward billing to:

Francis X. Borgerding, Jr., Esq.  
409 Washington Avenue  
Towson, Maryland 21204  
296-6820

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

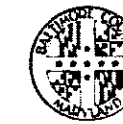
CASE NUMBER: 95-48-SPH (Item 48)  
3612 Washington Boulevard  
W/S Washington Boulevard, 321 1/2 W of c/l Commerce Drive  
13th Election District - 1st Councilmanic  
Petitioner(s): Warehouse Air Brakes and Controls, Inc.  
HEARING: FRIDAY, SEPTEMBER 16, 1994 at 2:00 p.m. in Room 106, County Office Building.

Special Hearing to approve a nonconforming status for a service garage in a R.L.R.-I.M. zone.

LAURENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

AUGUST 19, 1994

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-48-SPH (Item 48)  
3612 Washington Boulevard  
W/S Washington Boulevard, 321 1/2 W of c/l Commerce Drive  
13th Election District - 1st Councilmanic  
Petitioner(s): Warehouse Air Brakes and Controls, Inc.  
HEARING: FRIDAY, SEPTEMBER 16, 1994 at 2:00 p.m. in Room 106, County Office Building.

Special Hearing to approve a nonconforming status for a service garage in a R.L.R.-I.M. zone.

*Carl Jablon*  
Arnold Jablon  
Director

cc: Warehouse Air Brakes and Controls, Inc.  
Francis X. Borgerding, Jr., Esq.

NOTES: (1) ZONING SIGN AND POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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on Recycled Paper

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

SEP. 02 1994

(410) 887-3353

Francis X. Borgerding, Jr., Esq.  
409 Washington Avenue  
Towson, Maryland 21204

RE: Item No. 48, Case No. 95-48-SPH  
Petitioner: Warehouse Air Brakes and Controls, Inc.

Dear Mr. Borgerding:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on August 9, 1994, and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

*W. Carl Richards, Jr.*  
W. Carl Richards, Jr.  
Zoning Coordinator

HCR:ggg

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BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Gwen Stephens, ZADM  
FROM: Jeffrey Long  
Office of Planning & Zoning

SUBJECT: Zoning Advisory Comments

please be advised that additional time is required to review the following Petitions:  
ITEM NOS. 41, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, and 61.

Please contact me if you have any questions or require additional information.

JL:bjs

RECEIVED  
AUG 29 1994  
ZADM

STEPHENS, JL/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management  
DATE: August 29, 1994

FROM: Pat Keller, Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos.: 48, 49, 53, 54, 57, 58, 61, 62, 63, 64, 67, and 70.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey W. Long*

Division Chief: *Gary L. Venn*

PK:JL:bjs

ZACITEMS.NC/PZONE/ZAC1

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/18/94

95 48

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner:

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

6. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS 48, 49, 50, 53, 54, 55, 56, 57, 58, 60 AND 61.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
3612 Washington Boulevard, W/S \* ZONING COMMISSIONER  
Washington Boulevard, 321 1/2 W of \* OF BALTIMORE COUNTY  
c/l Commerce Drive, 13th Election \*  
Dist., 1st Councilmanic \* CASE NO. 95-48-SPH  
Warehouse Air Brakes & Controls Inc. \*  
Petitioners \* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County  
*Carole S. Demilio*  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of August, 1994, a copy of the foregoing Entry of Appearance was mailed to Francis X. Borgerding, Esquire, 409 Washington Avenue, Towson, MD 21204, attorney for Petitioner.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN



Baltimore County Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

County Government  
Engineering Administration  
Asset Management



(410) 887-3353

HEARING

city of the Zoning Act and Regulations of Baltimore  
in the property identified herein in  
Lapeake Avenue in Towson, Maryland 21204

venue, Towson, Maryland 21204 as follows:

106, County Office Building.

se vice garage in a M.L.R.-T.M. zone.

111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
AL ACCOMMODATIONS PLEASE CALL 887-3353.  
RING, CONTACT THIS OFFICE AT 887-3391.

RING, CONTACT THIS OFFICE AT 887-3391.

PLEASE PRINT CLEARLY


PETITIONER(S) SIGN-IN SHEET

NAME \_\_\_\_\_

NAME  
George S. Warehenn Jr.  
Frank F. Doolittle  
Bill Martien

ADDRESS

ADDRESS  
15 Glen Alpine Rd Phoenix Md 21151  
113 Holly em Bldg Md 21391  
210 BRANDON RD BALD MD 21212

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Wareheim Air Brakes and Controls, Inc.  
3612 Washington Boulevard  
Halethorpe, MD 21227

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